



NATURAL RESOURCES DEFENSE COUNCIL

March 28, 2003

Ms. Delores Brown
Chief, Mitigation and Restoration Branch
Department of Water Resources
3251 S Street
Sacramento, CA 95816

RE: Scoping Comments: Notice of Preparation for EIR on Monterey Amendment

Dear Ms. Brown:

On behalf of the Natural Resources Defense Council (NRDC) and our more than 500,000 members, we appreciate the opportunity to provide scoping comments in response to the NOP for the above referenced environmental impact report on the Monterey Amendments and related contract amendments and program features arising from the recent settlement agreement.

You are already receiving extensive scoping comments from the Planning and Conservation League (PCL) and other plaintiffs submitted by the Law Office of Antonio Rossmann, as well as scoping comments by Professor Robert Wilkinson and others. Rather than reiterate these important comments, we simply wish to highlight the following points:

1. It is essential that the EIR fully study both the pre-Monterey conditions and present conditions. For example, the contractual baseline condition must be the pre-Monterey SWP contracts and the EIR must include a complete analysis of the environmental consequences of enforcing the pre-Monterey permanent shortage provision, article 18(b).
2. The EIR must include a careful and complete assessment of the historical record of project deliveries. It must also include an integrated assessment of SWP and CVP exports, and consideration of changes in SWP and CVP operations since the signing of the COA. For example, the Bureau of Reclamation has asked DWR to support 25 year renewal contracts for the Cross Valley Canal Division of the CVP using SWP export pumps and facilities, yet neither the Bureau nor DWR has done an adequate analysis of the environmental consequences of this proposed long term contractual commitment.

3. The EIR must fully consider all environmental impacts of the transfer of the Kern Water Bank, including the sources of water for the Bank (including from the San Joaquin River) and competing environmental demands for that water. This analysis should also evaluate the comparative effects on San Joaquin River restoration of retaining State control of the Kern Water Bank vs. transferring control to local interests who may not share the State's public trust obligations. Without a full analysis of this critical element, any EIR on Monterey will be seriously flawed.

Thank you for considering our views.

Sincerely,

A handwritten signature in black ink, appearing to read "Hamilton Candee", followed by a long horizontal flourish.

Hamilton Candee
Senior Attorney